



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-03490

**Keyword:** Operational Policing

**Subject:** Detainees In Police Custody Under Mental Health Act

### Request and Answer:

#### Question

The number of occasions on which an individual was detained in police custody in this force area under Section 135 or 136 of the Mental Health Act 1983 ('place of safety') in each calendar year from 2005/6 to the present.

Please could I amend the FOI request I sent yesterday - I would like the figures for each financial year from 2005/6 to the present, not each calendar year.

#### Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

The PSNI Crime Computer system commenced in 2006 and because of this I had to contact all Districts within the PSNI to obtain figures requested for 2005/06. One District alone advised that each individual paper custody record would need to be checked manually to ascertain if persons were detained under the Mental Health Act and they had approximately 1800 records for that year. Allowing 2 minutes per record would take some 60 hours which is well in excess of the 18 hours permitted under the legislation.

For the reason above it is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes this impossible.

Although excess cost removes the PSNI's obligations under the Freedom of Information Act, I have provided below the information which was retrieved before it was realised that the fees limit would be

exceeded. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

The PSNI Information and Communication Services department were able to extract the figures below from the system which commenced in 2006. The system does not define sections of the Mental Health Act and the following figures reflect the number of persons “Detained Under The Mental Order” in each of the financial years listed.

|                       |    |
|-----------------------|----|
| 1/4/2006 – 31/3/2007  | 80 |
| 1/4/2007 – 31/3/2008  | 79 |
| 1/4/2008 – 31/3/2009  | 60 |
| 1/4/2009 – 31/3/2010  | 50 |
| 1/4/2010 – 10/12/2010 | 26 |

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner’s Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.